



**MINUTES  
CITY COUNCIL MEETING  
October 17, 2017**

**CALL TO ORDER**

The meeting was called to order at 6:30 pm.

**Present:** Mayor: Marty Schneider; Council: Tim Hultmann, Tom Skjaret, Jahn Dyvik, and Michelle Jerde

**Staff Present:** City Administrator: Scott Weske; City Attorney: John Thames; Fire Chief: James Van Eyll; Public Works Director: Jason Goehring; and City Clerk: Jeanette Moeller

**Absent:** None

**PLEDGE OF ALLEGIANCE**

**MAYOR'S COMMENTS - LONG LAKE NEWS, MEETING REVIEW AND UPDATES**

Mayor Schneider offered the following comments and updates:

A recognition event will be held in Nelson Lakeside Park on Veterans Day, November 11, beginning at 3:00 pm. Dave Shaughnessy of Orono Rotary will be organizing Veterans Day activities and has done a wonderful job doing so in past years. In addition to the presentation at the Veterans Memorial in the park, activities and refreshments are anticipated to follow at the Red Rooster. Veterans and the community at large are welcome to participate.

On October 10, Mayor Schneider and Council member Hultmann had attended a Wayzata Crime Prevention Coalition meeting. Discussion of recognizing the legacy of Officer Bill Mathews was a focus of the meeting. Talk was also reintroduced regarding holding a community safety educational program at Long Lake City Hall one evening.

On October 11, Mayor Schneider attended a western association of Mayors meeting held at the Choo Choo bar in Loretto. A presentation was made for the group by a large scale developer, and while not necessarily pertinent to a smaller community such as Long Lake, it was a good meeting and interaction opportunity.

Park Board member Sally Skjaret submitted a letter of resignation from the Board on October 4.

Mayor Schneider is anticipating being able to share final details on the first annual area holiday decorating contest. Due to heavy lobbying by individuals from Orono to be able to be included in a contest opportunity, the contest sponsor will be including both a Long Lake division and an Orono division.

Events to coincide with Superbowl weekend are in planning stages, and may include some type of football competition at Nelson Lakeside Park as well as a hot dish contest to take place in Long Lake.

## **APPROVE AGENDA**

*A motion was made by Jerde, seconded by Skjaret, to approve the Agenda as presented. Ayes: all.*

## **CONSENT AGENDA**

The Consent Agenda consisted of:

- A. Approve Minutes of October 3, 2017 City Council Work Session
- B. Approve Minutes of October 3, 2017 City Council Meeting
- C. Receive Minutes of September 19, 2017 Economic Development Authority Meeting
- D. Receive Unofficial Draft Minutes of October 10, 2017 Planning Commission Meeting
- E. Approve Vendor Claims and Payroll
- F. Authorize the City Administrator to Hire Part-Time, Seasonal Employees to Staff the Rink and Warming House at Holbrook Park for the 2017-2018 Winter Skating Season
- G. Approve Renewal of the Contract with Embedded Systems, Inc. for Siren Maintenance Through 2018
- H. Approve the Professional Services Agreement with Bullseye Media to Provide Consulting Services Assisting the Economic Development Authority on Implementation of the Business District Initiative Grant

*A motion was made by Skjaret, seconded by Jerde, to approve the Consent Agenda as presented. Ayes: all.*

## **OPEN CORRESPONDENCE**

**Dan MacDonald, 335 Russell Lane** – Mr. MacDonald noted that he was a little disappointed by the impression he received at the last Council meeting that a business owner was not afforded the same respect as a resident would be. He counseled the City Council to remember that business owners may not be able to vote, but they can always lead.

## **BUSINESS ITEMS**

### **Certificate of Appreciation Recognizing Sally Skjaret, Park Board Member**

Mayor Schneider indicated that although Sally Skjaret would not be present to receive her certificate in person, City Clerk Moeller had spoken with Skjaret and shared that Skjaret was grateful of the Council's desire to recognize her for her participation on the Park Board.

Moeller confirmed that Skjaret had been a member of the Park Board for four years, and in addition to being a Board member, she had served as the Board's Secretary officer and had recorded their meeting minutes during her tenure.

Council member Skjaret stated that Sally would like everyone to know she was proud to have served on the Park Board, and thanked City staff for all their work in helping turning the Park Board's ideas into a reality.

### **Appointment of New Firefighter to the Long Lake Fire Department**

Fire Chief Van Eyll reported that the Fire Department has been continuing to recruit firefighters for both the Department's fire stations. With an application process and interview completed, it is the recommendation of staff that a conditional job offer for the position of paid on call firefighter be made to applicant Ben Rasmuson. The conditional appointment offer is contingent upon passing a physical exam, physiological exam, agility test and probationary period. The interview panel consisted of a Fire Lieutenants, District Captain and Assistant Chief. Mr. Rasmuson resides off Old Crystal Bay Road and will be responding to Station 1. Van Eyll added that Mr. Rasmuson has a

number of family members and others in attendance at the meeting in support of his conditional appointment.

*A motion was made by Hultmann, seconded by Dyvik, to adopt Resolution No. 2017-41 conditionally appointing the following candidate to the position of paid on-call firefighter for the City of Long Lake Fire Department: Ben Rasmuson.*

Mayor Schneider noted that it is a great honor to have someone commit to public service and safety, that commitment means a great deal to the community, and it is appreciated.

*Ayes: all.*

**Request to Consider a Frisbee Golf Course at Nelson Lakeside Park – Presentation by Bradley Hanson, Orono Lions Club President**

Brad Hanson, Orono Lions Club, introduced fellow Lions Club members Scott Stabeck and Henry Hanson who have been working on the proposal to be presented. Mr. Hanson indicated that the Orono Lions Club is seeking permission from Long Lake to construct and donate a 9-hole frisbee golf course on the west side of Nelson Lakeside Park and west of the existing pavilion. Mr. Hanson made a detailed presentation and displayed exhibits depicting the course plan, playing lanes with setbacks, and the equipment and landscape items needed to implement the course. Hanson also shared map exhibits to show that while a number of frisbee golf courses are located throughout the metropolitan area, there are currently none in the vicinity of Long Lake. He observed that Frisbee golf is a wholesome family sport that requires little experience to play, and the rules easily accommodate family play for all ages. He stated that the success of recent Snowball Open events has allowed for more donations to the RED Lions program, fire department and museum; and the Club has set aside a fund balance to allow for donation of the proposed frisbee golf course. Although the Club would not be requesting a project funding contribution by the City of Long Lake, they would welcome the City's financial participation should the City opt to do so. Copies of a handout describing the course plan and proposal were distributed to Council members as a bench handout. Though there would be no fee for participants to play the course, the Lions Club would like to be able to put up a donation box to help support course improvements.

Mr. Hanson responded to Council member questions regarding frisbee course design elements including paver tee boxes, tee box markers, baskets, and signage. Photos depicting the varying design elements proposed were displayed for viewing as examples. Hanson noted that course elements would be installed keeping in mind removability and maintaining flexibility to prevent conflict with use of the park by community events.

Mayor Schneider observed that any improvement to the park property may also require MnDNR and/or Minnehaha Creek Watershed District involvement, in addition to City approval. He noted he personally likes the idea and concept, but would likely recommend the proposal be referred to the Park Board for their review and consideration.

Hanson affirmed that through previous experience when installation the Orono Lions Club donated pavilion, he recalled other agency approvals would be necessary.

Council member Dyvik referenced the natural growth areas protected by split rail fence on the west side of the park, and questioned how retrieving errant frisbees landing in that area would be dealt with.

Hanson stated that when he and his associates had visited the park to practice playing the proposed course, they felt the buffer plantings are tall enough to prevent frisbees from entering the area.

Hanson also discussed various other locations the Orono Lions had considered for their proposed frisbee golf course; however, they felt that the Nelson Lakeside Park location would be a great one with its proximity to a beach and play areas.

Council member Skjaret encouraged the Lions Club members to give consideration to utilizing Dexter Park as an alternate site for the course, noting that it has a great location in proximity to neighborhoods.

Council members expressed favorable comments regarding the frisbee golf course idea proposed. Mayor Schneider reflected that as the direction from the Council was positive, he would suggest the Orono Lions Club members present their proposal on an upcoming Park Board meeting agenda for the Board's feedback, so that the Board may offer a recommendation to the Council on the idea.

### **Consider Approval of Red Rooster Sidewalk Addition and Reimbursement Agreement**

Goehring distributed copies of a staff report bench handout with exhibits. He reported that as part of the CSAH 112 Phase 1 Project, Hennepin County will be replacing a majority of the sidewalks on the south and east sides of the Red Rooster restaurant. In addition to these sidewalks within the Hennepin County right-of-way, there is approximately 408 square feet of sidewalk on the east side of the building that is within the City's Mill Street right-of-way. The Red Rooster is responsible for approximately 400 square feet of sidewalk adjacent to their building on the east as well.

The sidewalk and curb within the City right-of-way is in poor condition and has settled significantly over time. Staff is recommending that the City negotiates the removal and replacement of these sidewalks and curb with Eureka Construction directly as part of the CSAH 112 Phase 1 Project.

The owner of the Red Rooster has expressed an interest in coming to an agreement with the City to have approximately 174 square feet of privately-owned concrete adjacent to the building removed and replaced as part of the CSAH 112 Project. The curbing contractor, Curb Masters, Inc., has indicated that they will only work directly with Eureka Construction during the project. An agreement between the Red Rooster and the City would allow the City to negotiate on behalf of the Red Rooster to have this privately-owned concrete replaced. The agreement requires that any privately-owned concrete that is replaced and paid for by the City be reimbursed by the Red Rooster. Staff is recommending that the City Council considers the approval of the agreement terms between the Red Rooster and the City of Long Lake.

Goehring displayed graphics on the overhead and clarified which sidewalk segments were under discussion for replacement, as well as reviewed estimates received for the work. He summarized his discussions with Hennepin County, with Dave Lundberg of the Red Rooster, and with Eureka Construction regarding this sidewalk work; and in response to Mayor and Council questioning, affirmed that the proposed agreement would assure that any work being done on behalf of the Red Rooster would be paid for by the Red Rooster, to include recovery of staff and legal fees incurred to draft the agreement form.

*A motion was made by Dyvik, seconded by Jerde, to approve the "Sidewalk Removal and Reconstruction Reimbursement Agreement" between B & L Ventures of Long Lake, Inc., and the City of Long Lake; and to approve the removal and replacement of 582 square feet of sidewalk and 34 feet of curb adjacent to Mill Street in on the east side of 1832 Wayzata Boulevard, Long Lake, MN. Ayes: all.*

### **Discussion of Draft Cooperative Agreement Between Orono, Hennepin County, and Long Lake Regarding Old Long Lake Road Area, County Road 112 Phase II Reconstruction Project**

City Attorney Thames distributed a bench handout of an excerpt from the draft cooperative agreement between the cities of Long Lake and Orono, as well as Hennepin County, for the County Road 112 Phase II Reconstruction Project. He noted that the purpose of the agenda item is not to review the entire cooperative agreement, but rather to discuss the section pertinent to responsibility for the 1010, 1020, 1030 Old Long Lake Road and 1070 West Wayzata Boulevard shared driveway and extension. The configuration of this area had been discussed at previous Council meetings with participation by the impacted neighbors. The City of Orono and Hennepin County currently have an expectation that Long Lake would be taking on all maintenance responsibilities for the drive in perpetuity, although it is located in Orono right-of-way. This would entail including the drive in the City's pavement management plan as well as Long Lake taking on snow plowing responsibility for the drive. However, some time in the next 30 to 50 years, the road would need to be replaced. If it were a Long Lake road, the City of Long Lake has an assessment policy that would be followed and a portion of the cost of the improvements would be assessed to abutting property owners. The issue in this circumstance is that because this would be a road Long Lake is responsible for that is in Orono, City Attorney Thames has prepared some revisions to the draft cooperative agreement which would add language stating that at the time the road is replaced, Orono would agree to cooperate in implementing Long Lake's assessment policy for road improvements Long Lake is responsible for. Thames had reviewed this language with Administrator Weske, but did not want to pass it on to Orono or Hennepin County if not supported by the Long Lake City Council. Thames indicated he is seeking clarification regarding the Council's vision for what Long Lake's obligations would be in perpetuity for the road, as it is located in Orono right-of-way.

Mayor Schneider raised the point that there is a development application under consideration by the Planning Commission at this time for the 1070 West Wayzata Boulevard property, and questioned how the possibility of development may affect the agreement.

Thames stated that the proposed development of the 1070 West Wayzata Boulevard property originally contemplated the addition of a private road that would connect to the soon to be designated public drive under discussion. Thames indicated that this connection was of concern to some of the neighbors, who currently have an agreement amongst themselves for maintenance of their shared driveway, and have continued to express a desire that their drive remain separate from the 1070 lot. However, at this point, the County is asking for his and Administrator Weske's comments on the draft agreement, and staff is unsure how to respond to the County without further clarity from the Council on their desired directive regarding maintenance of the drive and retaining responsibility for the drive in perpetuity.

Council member Skjaret indicated that his understanding was that the City would take on responsibility for the drive until such time as the 1070 lot developed, and then would come to a joint agreement for future general maintenance of the resulting road. He did not recall how the situation became Long Lake bearing full responsibility for an Orono public road.

Weske clarified that when Hennepin County sought Orono's approval of the drive design as approved by Long Lake, Orono's Council approved the drive design subject to Long Lake being responsible for the drive's maintenance. Thames added that staff is being asked if the City is okay with this responsibility, and staff is seeking to determine whether the Council is of one mind and in agreement with this understanding.

Council member Skjaret emphasized that he is not in agreement with the City of Long Lake fully maintaining a City of Orono Road, and does not know why Orono is unwilling to take care of their

roadway. The property owners have been taking care of it privately by agreement thus far though, and they were aware of that arrangement at the time they moved in.

Weske commented that as proposed, the County would be constructing the drive, and Long Lake would be sanding, plowing, and reconstructing it at Long Lake's cost. Thames reiterated that his proposed changes to the current draft include language to state that if Long Lake agrees to maintain the paved surfaces in perpetuity, Orono agrees to assist in implementing Long Lake's assessment policy upon benefiting property owners consistent with any special assessment policy in effect for the City of Long Lake at the time of the improvement.

Council member Dyvik questioned whether responsibility could be split, with Long Lake keeping the paved section clean and clear of snow, with Orono responsible for future replacement.

Thames responded that Council member Dyvik's suggested alternative could certainly be presented for Orono's consideration, though, their approval of the drive design was with the understanding that Orono would not have any responsibility for the drive. Responding to Mayor Schneider inquiring as to the County's timeline expectation, Thames stated that the County would prefer to receive Long Lake's response this month, which is why he included the agenda item for the Council's discussion. He does not believe there are other significant points of contention in the current draft cooperative agreement beyond this issue under consideration.

Mayor and Council continued to discuss how Long Lake's responsibility for the roadway had been arrived at, referencing communications at past Long Lake and Orono Council meetings.

Ultimately Council members were in agreement to suggest that draft language state that Long Lake would agree to be responsible for daily maintenance of the paved surface, with Orono responsible for future reconstruction. City Attorney Thames indicated understanding of the Council's direction.

***A motion was made by Jerde, seconded by Dyvik, to move into a closed session at 7:55 pm. Ayes: all. The City Council moved into closed session for discussion of Agenda Item No. 12.***

#### **Discuss a Counter Offer for Property Located at 445 Willow Drive (Verizon / American Tower Corporation Lease)**

City Attorney Thames provided a review of lease negotiation efforts to date; reviewed in detail the terms of the current lease amendment proposal offered for the Council's consideration; and summarized differences between the expiring lease and the proposed renegotiated cell tower site lease. Thames requested that if the Council is prepared to consider a motion to approve the renegotiated lease amendment in open session, that a motion to approve grant him discretion to make minimal final adjustments if necessary. Mayor and Council discussed the terms and were in favor of considering approval of the new lease.

***A motion was made by Skjaret, seconded by Jerde, to return to open session at 8:04 pm. Ayes: all.***

#### **Consider Taking Action on Verizon / American Tower Corporation Lease Amendment Relative to Property at 445 Willow Drive**

City Attorney Thames advised that the City Council had met in closed session prior to this agenda item to discuss a counter offer for a renegotiated cell tower site lease for the property and infrastructure located at 445 Willow Drive. The Council has commented on the draft lease and is prepared to take a vote on the proposed lease agreement.

*A motion was made by Schneider, seconded by Hultmann, to approve the Verizon / American Tower Corporation lease amendment relative to the property at 445 Willow Drive, with due consideration and authorization given that final adjustments may need to be made by the City Attorney. Ayes: all.*

Thames confirmed that he would provide a copy of the lease document to the City Clerk for the public meeting packet file.

### **Preparation of Survey Regarding Raising the Minimum Age for Tobacco Product Purchases**

City Clerk Moeller reported that at the October 3, 2017 City Council meeting, staff received direction to pursue drafting an online survey to solicit public input regarding whether Long Lake should consider amending the City's tobacco ordinance provisions to raise the minimum age to purchase tobacco products from age 18 to age 21. Council members observed that a poll including a similar question had been made available to attendees at this year's Minnesota State Fair. Staff learned that an informal survey of this year's fairgoers was indeed conducted by the nonpartisan House Public Information Services Office on a number of issues, and the 2017 survey included the following question:

"Some metro-area cities have raised or are considering raising the minimum age to buy tobacco products from 18 to 21. Should this change be made statewide?"

Using the survey referenced as a model, and after researching questions asked in similar surveys, staff prepared a draft survey for the Council's review, feedback, and for further direction to staff. Moeller reviewed the questions contained in the draft survey for Council comment, and responded to Mayor and Council member comment and suggestion regarding methods that could be used to effectively distribute the survey and maximize sample size.

Council member Hultmann noted that this topic had come up for discussion at a recent gathering with friends and community members over coffee, and the general consensus of that group had been to question why this subject should be taken up rather than left to the state to decide. He commented that the majority of people he'd spoken to regarding the issue felt that the decision whether to buy tobacco products should be left to the choice of an 18 year old legal adult.

*A motion was made by Skjaret to not pursue a survey at this time, and to table further discussion of raising the minimum age for tobacco product purchases for one year. Motion failed due to lack of a second.*

Council member Skjaret stated that he does not think it is responsible to burden staff with spending time on this over the next few months, reflecting that looking at the budget process ahead and the limits staff work with, he is not sure spending money on this initiative is a wise use of City funds. He added that a lot of communities have brought up this issue and are looking to the state to take action. At a minimum, he would suggest waiting until after the first of the year to consider a survey.

*A motion was made by Schneider to proceed with a survey to be sent out in the City newsletter with fourth quarter ending December 2017 utility bills. Motion failed due to lack of a second.*

### **Preparation of "In God We Trust" Plaque – Direction to Staff**

Moeller indicated that at the Council's last meeting, staff received direction by majority vote of the Council to pursue preparation of an "In God We Trust" plaque for installation in City Hall.

Staff contacted Budget Printing and it is estimated that a walnut frame plaque with black piano-style finish and gold engraving would likely cost approximately \$55 to \$75, and at most would not be likely to exceed \$100.

Staff reviewed a number of image examples of "In God We Trust" posters and plaques in use, and has prepared two draft plaque language examples for the Council to consider. Both examples include text ideas recognizing that "In God We Trust" is the national motto of the United States. Staff is seeking direction to order a plaque with language as included in either of the examples, or using different language at the preference of the Council.

Mayor and Council reviewed the Example A and Example B language examples prepared. It was the consensus of Council members to proceed with the Example B text suggestion, with the addition of a comma after "In 1956".

### **County Road 112 / Wayzata Boulevard W Reconstruction Project Updates**

Goehring offered the following updates relative to the County Road 112 reconstruction project:

- Grading work continues in preparation for blacktopping in the corridor.
- Today was the last day of crushing operations at Public Works. The contractor was crushing in an area that was already an existing gravel surface, and if anything, that surface was improved by their time there. Goehring will be evaluating before and after photos of the asphalt surfaces used, but thus far, all surfaces are looking good.
- Curb and gutter installation between Brown Road and Willow Drive continues. Egan has been continuing their work in preparation for installing street lighting, placing concrete bases with conduit.
- Erosion control installations are underway along the lakeshore area. A floatation silt curtain has been brought in to catch debris and bio rolls have been placed. Council and staff held extensive discussion regarding erosion control and stabilization of the lakeshore area. Mayor Schneider suggested inviting Senior Project Engineer Paul Backer to one of the next Council meetings to help answer any questions regarding lakeshore stabilization and upcoming construction in that area.
- Paving work between Brown Road and Willow Drive is expected to begin this coming Friday, with paving work in the downtown area scheduled for Friday, October 27. Downtown watermain installation is complete, and business services will be connected. Curb, gutter and pavement work will continue downtown.

Council member Dyvik questioned whether the plan continues to be to reuse the old Long Lake entrance sign, along with posts and framework, that was previously located near the cemetery. Goehring replied that although the sign was in storage to be reinstalled, the posts and frame were damaged when they were taken down. The posts were actually steel piped wrapped in cedar. Council member Dyvik emphasized that he thinks the sign ought to be reused and reinstalled in the vicinity of Old Long Lake Road, with the framework to be reconstructed for the sign's installation.

Council member Dyvik also questioned the status of the monument signs and whether those were to be contracted for separately. Goehring believed the monument signs were considered a part of the project. Mayor Schneider suggested that inquiry be made to confirm the status of the monument sign construction.

### **Update Regarding Veterans Day Commemorative Activities**

As mentioned earlier in the meeting, Mayor Schenider reiterated that a recognition event will be held in Nelson Lakeside Park on Veterans Day, November 11, beginning at 3:00 pm. Activities and refreshments are anticipated to follow at the Red Rooster. Veterans and the community at large are welcome to participate.

### **OTHER BUSINESS**

**Public Works Position Posting** – City Attorney Thames advised that it has come to the attention of City staff that there may be need for posting for additional Public Works personnel. He asked that the Council consider granting authorizing to staff to advertise for any Public Works positions as may be necessary, with staff directed to update the Council accordingly. Mayor and Council affirmed that the authorization and direction to staff to do so was unanimously granted.

**Keep Yard Debris Away From Streets** – Council member Hultmann reminded homeowners and business owners to keep fall cleanup yard debris out of City streets, in order to prevent those materials from going into storm sewers and ultimately negatively impacting the lake.

**Shop Local** – Council member Hultmann also reminded everyone to continue to shop local as often as possible.

**LLWA Annual Water Summit** – Council member Dyvik reported that the Long Lake Waters Association will be hosting their second annual water educational summit meeting on Tuesday, October 24 from 6:30 pm to 8:30 pm in the Orono City Council Chambers, 2750 Kelley Parkway, Orono, MN. Mayor Schneider verified that a quorum notice had been posted to allow a quorum of Council members to attend.

**Fall Leaf Pickup Dates** – Moeller stated that fall curbside leaf pickup will take place on Tuesday, October 31 and Tuesday, November 7.

### **ADJOURN**

*A motion was made by Hultmann, seconded by Skjaret, to adjourn the meeting. Ayes: all. Mayor Schneider adjourned the meeting at 8:39 pm.*

Respectfully submitted,

Jeanette Moeller  
City Clerk